Remarks

Claims 1-6, 10, 12 and 14 are pending in this application. Claims 5 and 6 have been amended. Claim 7 has been canceled. Claim 14 has been added.

In response to the examiner's requirement for restriction, the applicants' hereby elect Group I (claims 1-6, 10 and 12). Further, the applicants elect the compound 2.2 of Table 2 as the elected species for purposes of examination. Claims 5 and 6 have been amended to cover the production of all of the compounds of defined in claim 1, and not only those wherein R7 = hydroxyl. Claim 14 has been added to cover the process for producing the compositions defined in claim 10. This requirement is traversed. This is an application filed under 35 U.S.C. 371 and therefore the issue is one of whether the claims comport with PCT Rule 13.1(Unity of Invention). Rule 13.1 which governs unity of invention allows claims to compounds (formula I herein), process for making the compounds and in certain situations intermediates for making the compounds. Where, as in the instant case, the compounds and intermediates for making the compounds share a special technical feature, then unity exists. The common azole moiety constitutes the close technical relationship. Favorable reconsideration is solicited.

An examination on the merits is solicited.

Please find attached a check for $1440.00 for a four month extension of time fee.

To the extent necessary, applicant(s) petition for an Extension of Time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
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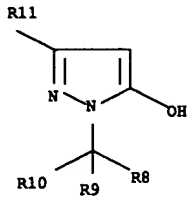
VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend claims 5, 6 and newly added claim 14 as follows:

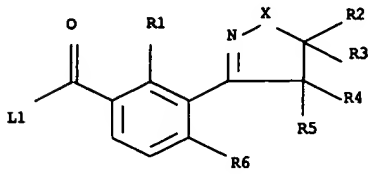
Please cancel claim 7.

5.(amended) A process for preparing 3–(heterocyclyl)–substituted benzoylpyrazoles of the formula I [where R^7 = hydroxyl] as claimed in claim 1, which comprises acylating a pyrazole of the formula II

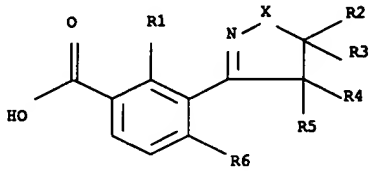


II

with an activated benzoic acid IIIα or a benzoic acid IIIβ,



IIIa



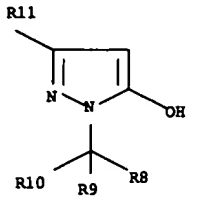
IIIb

where the variables X, R^1 to R^6 and R^8 to R^{11} are as defined in claim 1 and L^1 is a nucleophilically replaceable leaving group and rearranging the acylation product, in the presence or absence of a catalyst, to give the compounds of the formula I where R^7 = hydroxyl and optionally, to prepare 3-(heterocyclyl)-substituted benzoylpyrazoles of formula I where R^7 ≠hydroxyl as claimed in claim1, reacting the obtained product with a compound of formula VI

L^3-L^{7a} VI.

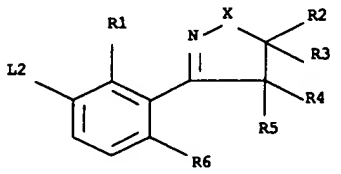
6.(amended) A process for preparing 3–(heterocyclyl)–substituted benzoylpyrazoles of the formula I [where R^7=OH] as claimed in claim 1, which comprises reacting a pyrazole of the formula II

in which the variables R^8 to R^{11} are as defined in claim 1, or an alkali metal salt



II

thereof, with a 3–(heterocyclyl)benzene derivative of the formula V



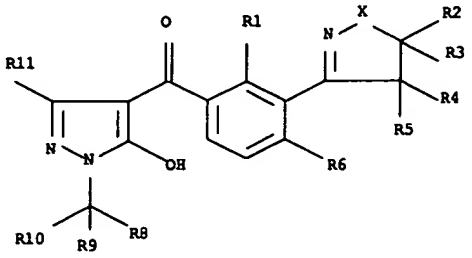
V

where the variables X and R^1 to R^6 are as defined in claim 1 and L^2 is a leaving group in the presence of carbon monoxide, a catalyst and a base, to give the compounds of formula I where R^7 = hydroxyl and optionally, to prepare 3-(heterocyclyl)-substituted benzylpyrazoles of formula I were $R^7 \neq$ hydroxyl as claimed in claim1, reacting the obtained product with a compound of formula VI

L^3-L^{7a} VI.

7.(canceled) ~~A process for preparing 3–(heterocyclyl)–substituted benzoylpyrazoles of the formula I where $R^7 \neq$ hydroxyl as claimed in claim 1, which comprises reacting a~~

~~3-(heterocyclyl)-substituted benzoylpyrazole I where R^7 = hydroxyl~~



I where R7 = OH

~~with a compound of the formula VI~~

~~L^3-R^{7a} VI~~

~~where~~

~~L^3 is a nucleophilically replaceable leaving group;~~

~~R^{7a} is C_1-C_6-alkyl, C_3-C_6-alkenyl, C_1-C_6-alkylsulfonyl, C_1-C_6-alkylcarbonyl, C_1-C_4-(alkylthio)carbonyloxy, phenylsulfonyl or phenylcarbonyl, where the phenyl radical of the two last-mentioned substituents may be partially or fully halogenated and/or may carry one to three of the following groups:~~

~~nitro, cyano, C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy or C_1-C_4-haloalkoxy~~.

14.(newly added) A process for preparing compositions as claimed in claim 10, which comprises mixing a herbicidally effective amount of at least one 3-(heterocyclyl)-substituted benzopyrazole or an agriculturally useful salt of the formula I is applied to plants, seeds and/or their habitat.